

EXHIBIT 9

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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CATHERINE MCKOY, MILLARD WILLIAMS,
MARKUS FRAZIER, and LYNN CHADWICK
individually and on behalf of all

others similarly situated, Index No.

1:18-cv-09936-
LGS

Plaintiffs

v.

THE TRUMP CORPORATION, DONALD J. TRUMP,
in his personal capacity, DONALD TRUMP
JR., ERIC TRUMP, and IVANKA TRUMP,

Defendants.

-----X

** CONFIDENTIAL **RHONA GRAFF

DEPOSITION OF RHONA GRAFF

July 28, 2022

Reported by:

MARY F. BOWMAN, RPR, CRR

JOB NO. 213092

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2 another contract in that series?

3 A. Correct.

4 Q. So we have seen January of 2006.

5 We saw February 2008, an execution copy

6 that you weren't sure whether it got

7 finalized. We saw January of 2009. And

8 now we are seeing January 14, 2011, is that

9 right?

10 A. Correct.

11 Q. And here, again, you can see that

12 the title refers to an appearance and

13 endorsement agreement, 2011 to 2013, right?

14 A. Correct.

15 Q. The first line says it's entered

16 into January 14, 2011, right?

17 A. Correct.

18 Q. And you can see at the bottom of

19 the page, the signatures of both Robert

20 Stevanovski and Donald J. Trump?

21 A. Correct.

22 Q. Again, there is a collection of

23 documents here. The first two pages appear

24 to be two copies of that same agreement,

25 right?

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2 Q. Okay.

3 And let's mark one more.

4 (Exhibit 12, document, Bates

5 stamped TTO_000478, marked for

6 identification, as of this date.)

7 Q. Okay. We have handed you

8 Exhibit 12, which is a document produced by

9 defendants bearing Bates number TTO_000478.

10 Do you see that?

11 A. Yes, I do.

12 Q. And this is a contract that does

13 not have a header on it, right?

14 A. Correct.

15 Q. The first line refers to an

16 appearance agreement, right?

17 A. Correct.

18 Q. It says it is entered into as of

19 February 13, 2013, correct?

20 A. Yes.

21 Q. And this document is

22 significantly longer than the contracts

23 that we have seen thus far, right?

24 A. Correct.

25 Q. The others were all about --

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2 A. Yes.

3 Q. They both bear signatures, right?

4 A. Correct.

5 Q. And, again, do you have any

6 reason to doubt that this was a final,

7 executed, binding agreement?

8 A. No, I do not.

9 MR. ROBERT: Objection to form.

10 You can answer.

11 A. Oh, I'm sorry.

12 No, I do not.

13 Q. Again, you can see this is a

14 collection of documents that spans through

15 Bates number TTO_007499, right?

16 A. Yes.

17 Q. And the last document is an email

18 that appears to have been printed out by

19 you, right?

20 A. That is correct.

21 Q. So, again, is it your

22 understanding that this is a collection of

23 documents maintained by you in a hard-copy

24 file?

25 A. I believe that's correct.

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2 either exactly about one page or exactly

3 one page, right?

4 A. Correct.

5 Q. This is closer to ten or a dozen

6 pages, is that correct?

7 A. Correct.

8 Q. You can see on the page ending in

9 the Bates number 486 that it does bear the

10 signatures of both Robert Stevanovski and

11 Donald J. Trump, right?

12 A. That is correct.

13 Q. Do you have any reason to doubt

14 that is a final, binding, executed

15 agreement?

16 MR. ROBERT: Objection to form.

17 You can answer.

18 A. No, I do not.

19 Q. So we talked a little bit about

20 the 2006 and 2008 agreements and your role

21 or lack of role with respect to those.

22 With respect to these other

23 agreements, the January 2009, January 2011,

24 and February 2013, did you have a role in

25 negotiating these or communicating about

<p style="text-align: right;">Page 90</p> <p>1 Graff - Confidential</p> <p>2 these contracts on Mr. Trump's behalf?</p> <p>3 A. I think that would be fair to</p> <p>4 say.</p> <p>5 Q. What was the typical process in</p> <p>6 your recollection for these agreements</p> <p>7 being negotiated? Who prepared the first</p> <p>8 draft?</p> <p>9 A. There would usually be -- to the</p> <p>10 best of my recollection, there would</p> <p>11 usually be a phone call from Anne Archer</p> <p>12 saying, We are ready to discuss the new</p> <p>13 contract, and she would talk, to the best</p> <p>14 of my recollection, you know, what ACN had</p> <p>15 in mind, how many speaking engagements,</p> <p>16 what the extent of them were.</p> <p>17 I think in the early days they</p> <p>18 were mostly based in the United States, I</p> <p>19 think. They wanted to go more</p> <p>20 international. We got into some of that.</p> <p>21 We talked a little bit about money, you</p> <p>22 know, what -- I think what they were</p> <p>23 prepared to offer, what I thought was</p> <p>24 reasonable ballpark for Mr. Trump. And any</p> <p>25 of their other details, were there any</p>	<p style="text-align: right;">Page 91</p> <p>1 Graff - Confidential</p> <p>2 other obligations, you know, from</p> <p>3 Mr. Trump.</p> <p>4 Q. How involved was Mr. Trump in</p> <p>5 that process and at what point?</p> <p>6 A. Well, certainly, when it came to</p> <p>7 the negotiated fee, he was the final say so</p> <p>8 on all of that.</p> <p>9 He was also the final say so in</p> <p>10 regard to where he would speak and how much</p> <p>11 time he would commit.</p> <p>12 I think he was less inclined to</p> <p>13 do international speaking engagements and</p> <p>14 appearances because he just didn't like</p> <p>15 traveling. And I think he did it a few</p> <p>16 times but he preferred not to. And just</p> <p>17 how much time would be required of him.</p> <p>18 So he had a lot of input on those</p> <p>19 areas.</p> <p>20 Q. The first thing you mentioned</p> <p>21 there was the fee.</p> <p>22 Is it fair to say that was an</p> <p>23 important term from Mr. Trump's perspective</p> <p>24 as you understood it?</p> <p>25 A. A speaking fee?</p>
<p style="text-align: right;">Page 92</p> <p>1 Graff - Confidential</p> <p>2 That was a general term he used</p> <p>3 for all his speaking engagements.</p> <p>4 Q. Was it something Mr. Trump was</p> <p>5 particularly focused on?</p> <p>6 A. You mean, what the amount of the</p> <p>7 fee was?</p> <p>8 Q. Yes.</p> <p>9 A. Yeah. He was a businessman. Any</p> <p>10 deal that he did, he was always, you know,</p> <p>11 how does that, you know, benefit me? What</p> <p>12 are my -- what do I make from it?</p> <p>13 Q. And, to your knowledge, did the</p> <p>14 fee that ACN was paying for each of these</p> <p>15 appearances increase over time throughout</p> <p>16 the course of the relationship?</p> <p>17 A. Without, again, looking at the</p> <p>18 specifics, I believe it did over time.</p> <p>19 Q. And was that pursuant to guidance</p> <p>20 that you were getting from Mr. Trump</p> <p>21 personally?</p> <p>22 A. It was probably a combination,</p> <p>23 yes.</p> <p>24 Q. A combination of Mr. Trump's</p> <p>25 guidance and what else?</p>	<p style="text-align: right;">Page 93</p> <p>1 Graff - Confidential</p> <p>2 A. I mean, some -- there were more</p> <p>3 speeches as the years went on, so,</p> <p>4 obviously, he would get more money because</p> <p>5 there were more speeches and maybe more of</p> <p>6 a time commitment.</p> <p>7 Did his rate go up per speech?</p> <p>8 It may have over time, but I</p> <p>9 don't know the specifics.</p> <p>10 Q. If the contract said that, you</p> <p>11 certainly wouldn't be surprised, is that</p> <p>12 fair?</p> <p>13 A. I think that's fair.</p> <p>14 Q. Do you recall negotiating for</p> <p>15 control over the content of the speeches or</p> <p>16 about what ACN could say about Mr. Trump?</p> <p>17 A. I don't recall negotiating those</p> <p>18 issues.</p> <p>19 Q. What about the terms relating to</p> <p>20 logistics, ACN's payment of airplane</p> <p>21 tickets, and those sort of things, do you</p> <p>22 remember negotiation about that?</p> <p>23 A. I don't know if it was so much a</p> <p>24 negotiation. I mean, those were the terms.</p> <p>25 That's maybe a better use of it.</p>

<p style="text-align: right;">Page 94</p> <p>1 Graff - Confidential</p> <p>2 But there was a standard -- when</p> <p>3 the contract was signed, there were -- I</p> <p>4 think there were dates when they had to pay</p> <p>5 by, and those are possibly standard in any</p> <p>6 deal that we did with anybody.</p> <p>7 Q. I just want to mark one more</p> <p>8 document just as we are talking about this</p> <p>9 process of developing the contracts.</p> <p>10 (Exhibit 13, document, Bates</p> <p>11 stamped TTO_007514, marked for</p> <p>12 identification, as of this date.)</p> <p>13 Q. So we have marked now as</p> <p>14 Exhibit 13 a document produced by</p> <p>15 defendants bearing the Bates number</p> <p>16 TTO_007514.</p> <p>17 A. Correct.</p> <p>18 Q. Exhibit 13 is an email from Anne</p> <p>19 Archer Butcher to you dated March 10, 2015.</p> <p>20 Do you see that?</p> <p>21 A. I do.</p> <p>22 Q. And looking at this email, does</p> <p>23 this appear to be a communication as a part</p> <p>24 of the process you described where</p> <p>25 Ms. Butcher is beginning the process of</p>	<p style="text-align: right;">Page 95</p> <p>1 Graff - Confidential</p> <p>2 talking about a new agreement, and you're</p> <p>3 discussing with her what the terms of that</p> <p>4 agreement will be?</p> <p>5 A. Yes, I think that's accurate.</p> <p>6 Q. And you can see, as with some</p> <p>7 other documents, there appears to be some</p> <p>8 handwriting on this document, right?</p> <p>9 A. Correct.</p> <p>10 Q. In fact, if you look closely at</p> <p>11 the bottom right, it appears almost that</p> <p>12 there -- as you described earlier, that</p> <p>13 there is a sticky note that has been placed</p> <p>14 on the bottom right-hand corner, right?</p> <p>15 You can see it sort of obscures</p> <p>16 the text of the email?</p> <p>17 A. Yeah, I do.</p> <p>18 Q. Is this consistent with the</p> <p>19 practice you described where there were</p> <p>20 emails you would print for Mr. Trump and</p> <p>21 place in his inbox, and he would provide</p> <p>22 feedback in writing and put it in his</p> <p>23 outbox?</p> <p>24 A. I think that's fair, yes.</p> <p>25 Q. Just to be clear, the handwriting</p>
<p style="text-align: right;">Page 96</p> <p>1 Graff - Confidential</p> <p>2 on the sticky note at the bottom right, is</p> <p>3 that your handwriting?</p> <p>4 A. I believe that is -- yeah, I'm</p> <p>5 pretty sure that's mine.</p> <p>6 Q. There is marker -- you know, a</p> <p>7 thicker font both on the sticky note and</p> <p>8 document itself.</p> <p>9 Is that Mr. Trump's handwriting?</p> <p>10 A. It is.</p> <p>11 Q. You can see there are two</p> <p>12 instances of Mr. Trump's handwriting. The</p> <p>13 first has an arrow pointing to a paragraph</p> <p>14 a little less than halfway down the page.</p> <p>15 Do you see that?</p> <p>16 A. I do.</p> <p>17 Q. And they refer to -- it refers to</p> <p>18 three potential speaking events in 2015,</p> <p>19 right?</p> <p>20 A. Correct.</p> <p>21 Q. And you can see that the</p> <p>22 handwriting says, "1 million dollars, more</p> <p>23 money and pay for my plane."</p> <p>24 Do you see that?</p> <p>25 A. I do.</p>	<p style="text-align: right;">Page 97</p> <p>1 Graff - Confidential</p> <p>2 Q. So is that consistent with the</p> <p>3 kind of term Mr. Trump was focused on as</p> <p>4 you were describing the process?</p> <p>5 A. I think that's fair, yes.</p> <p>6 Q. And then on the sticky note in</p> <p>7 the bottom right, you can see your note</p> <p>8 maybe three or four lines from the bottom,</p> <p>9 there is some reference to potential -- a</p> <p>10 little hard to read, but I think it says,</p> <p>11 (as read): International speech in Seoul,</p> <p>12 Korea --</p> <p>13 A. In September.</p> <p>14 Q. In September, right.</p> <p>15 And Mr. Trump appears to have</p> <p>16 underlined "Seoul" and says, "Too far."</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Is that also consistent with the</p> <p>20 travel-related term he was focused on, in</p> <p>21 your experience?</p> <p>22 A. Correct.</p> <p>23 Q. Do you recall at any point in the</p> <p>24 negotiation of any of these agreements</p> <p>25 anybody at The Trump Organization</p>

<p style="text-align: right;">Page 98</p> <p>1 Graff - Confidential</p> <p>2 negotiating for greater access to diligence</p> <p>3 information about ACN?</p> <p>4 MR. ROBERT: Objection to form.</p> <p>5 You can answer.</p> <p>6 A. Not to my knowledge.</p> <p>7 Q. All right. Let me mark the next</p> <p>8 document.</p> <p>9 (Exhibit 14, document, Bates</p> <p>10 stamped TTO_004386, marked for</p> <p>11 identification, as of this date.)</p> <p>12 Q. All right. We have marked</p> <p>13 Exhibit -- as Exhibit 14 a document</p> <p>14 produced by defendants bearing the Bates</p> <p>15 number TTO_004386.</p> <p>16 Do you recognize this document?</p> <p>17 A. I don't recall it.</p> <p>18 Q. It appears to be an email</p> <p>19 exchange between Anne Archer Butcher and</p> <p>20 you in or around January 2008. Does that</p> <p>21 seem right?</p> <p>22 A. Um-hm. Yes.</p> <p>23 Q. Do you recall that you were</p> <p>24 having discussions with Ms. Butcher in and</p> <p>25 around that time about the ACN</p>	<p style="text-align: right;">Page 99</p> <p>1 Graff - Confidential</p> <p>2 relationship?</p> <p>3 A. Probably. You know, I can't say,</p> <p>4 again, with 100 percent assurance, but I</p> <p>5 would say that makes sense.</p> <p>6 Q. Let's start with Ms. Butcher's</p> <p>7 email to you. That's the one that starts</p> <p>8 on the second half of the first -- first</p> <p>9 email of the chain.</p> <p>10 Ms. Butcher emails you on</p> <p>11 January 24, 2008, and the first line says,</p> <p>12 "Nice speaking with you again, as always."</p> <p>13 Do you see that?</p> <p>14 A. I do.</p> <p>15 Q. Do you recall the conversation</p> <p>16 that Ms. Butcher is referring to there?</p> <p>17 A. No, I do not.</p> <p>18 Q. Any reason to doubt that you had</p> <p>19 a conversation with Ms. Butcher around that</p> <p>20 time?</p> <p>21 A. No reason to doubt.</p> <p>22 Q. And the way she says that, "Nice</p> <p>23 speaking with you again, as always,"</p> <p>24 suggests by this point you have had a</p> <p>25 number of conversations with Ms. Butcher,</p>
<p style="text-align: right;">Page 100</p> <p>1 Graff - Confidential</p> <p>2 is that fair to say?</p> <p>3 A. I guess it's fair to say. I</p> <p>4 think it is just a nice way of being</p> <p>5 polite, which I often say to people as</p> <p>6 well.</p> <p>7 Q. Sure.</p> <p>8 It would be unusual to say</p> <p>9 something like that if it is the first</p> <p>10 conversation she is referencing, right?</p> <p>11 A. If it's the first conversation,</p> <p>12 yes.</p> <p>13 Q. The second paragraph says, "For</p> <p>14 the New York ACN meeting, we will follow</p> <p>15 Mr. Trump's recommendation for the charity.</p> <p>16 I believe you have a charity selected, and</p> <p>17 we are happy to do whatever we can to make</p> <p>18 it a tremendous success."</p> <p>19 Do you see that?</p> <p>20 A. I do.</p> <p>21 Q. Do you recall any discussion with</p> <p>22 ACN about Mr. Trump making a recommendation</p> <p>23 to ACN about a charity?</p> <p>24 A. I don't recall.</p> <p>25 Q. When it says, "I believe you have</p>	<p style="text-align: right;">Page 101</p> <p>1 Graff - Confidential</p> <p>2 a charity selected," do you know what</p> <p>3 charity that's referring to?</p> <p>4 A. I have an idea, but I don't know</p> <p>5 if it is fair for me to guess.</p> <p>6 Q. Understanding that you don't have</p> <p>7 a specific or certain recollection, what's</p> <p>8 your best understanding based on your</p> <p>9 experience?</p> <p>10 A. I just know Mr. Trump had a</p> <p>11 particular affinity for Police Athletic</p> <p>12 League. So in those days, it would make</p> <p>13 sense that that would be a charity that he</p> <p>14 elected to be the recipient of this, but I</p> <p>15 can't confirm it.</p> <p>16 Q. What about the Eric Trump</p> <p>17 Foundation, was that, to your knowledge, in</p> <p>18 existence at the time and something that</p> <p>19 Mr. Trump was aware of?</p> <p>20 A. I was not aware of anything to do</p> <p>21 with the Eric Trump Foundation.</p> <p>22 Q. Do you have any understanding</p> <p>23 based on your experience and interactions</p> <p>24 with Ms. Butcher why Mr. Trump would be</p> <p>25 making a charity recommendation to ACN?</p>

<p style="text-align: right;">Page 110</p> <p>1 Graff - Confidential</p> <p>2 A. Correct.</p> <p>3 Q. And is that consistent with your</p> <p>4 recollection that the earlier deal in</p> <p>5 January of 2006 was something Ms. Glosser</p> <p>6 worked on and that by this time, January of</p> <p>7 2008, you were communicating with</p> <p>8 Ms. Butcher?</p> <p>9 A. Yes.</p> <p>10 What I'm not clear on is Cathy</p> <p>11 would send to her at The Trump</p> <p>12 Organization -- I'm just a little confused</p> <p>13 on the timing.</p> <p>14 But why this was sent to me and</p> <p>15 not to Cathy, if Cathy was still there.</p> <p>16 Q. Got it.</p> <p>17 And if you recall, we saw a draft</p> <p>18 agreement from just a few days after this,</p> <p>19 February of 2008, with the handwriting at</p> <p>20 the top that says, "Nothing to do with</p> <p>21 Cathy Glosser."</p> <p>22 Do you remember that?</p> <p>23 A. Right.</p> <p>24 I don't remember seeing that. I</p> <p>25 don't know who wrote it.</p>	<p style="text-align: right;">Page 111</p> <p>1 Graff - Confidential</p> <p>2 Q. You may not remember at the time,</p> <p>3 but you remember seeing it a little earlier</p> <p>4 this morning?</p> <p>5 A. Yes, yes, I do.</p> <p>6 Q. Putting those two together,</p> <p>7 you're just not remembering why it is that</p> <p>8 Ms. Glosser seems to be sort of less</p> <p>9 involved in these discussions at this time?</p> <p>10 A. I don't recall. Correct.</p> <p>11 Q. Okay.</p> <p>12 In the second paragraph of your</p> <p>13 email, you write to Ms. Glosser, "What they</p> <p>14 are offering seems very reasonable and more</p> <p>15 palatable for DT as he would not need to do</p> <p>16 any traveling."</p> <p>17 Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. Again, is that consistent with</p> <p>20 some of the terms he expressed interest in</p> <p>21 about minimizing travel or excessive</p> <p>22 travel?</p> <p>23 A. Yes, I think that would be fair</p> <p>24 to say.</p> <p>25 Q. And then in your next sentence,</p>
<p style="text-align: right;">Page 112</p> <p>1 Graff - Confidential</p> <p>2 you write, "My main concern is the</p> <p>3 reputation of ACN as I have heard mixed</p> <p>4 reports about them."</p> <p>5 Do you see that?</p> <p>6 A. I do.</p> <p>7 Q. Do you recall having a concern</p> <p>8 about ACN?</p> <p>9 A. I don't recall what I was</p> <p>10 specifically referring to in this "mixed</p> <p>11 reports." I don't remember that.</p> <p>12 Q. Well, let's take this one step at</p> <p>13 a time.</p> <p>14 Just as a general matter, in</p> <p>15 January of 2008, as you're communicating</p> <p>16 with Ms. Butcher about potential new</p> <p>17 agreements and extensions of the agreement</p> <p>18 or changes to the agreement, do you</p> <p>19 remember having any concern about ACN?</p> <p>20 A. I don't remember that standing</p> <p>21 out.</p> <p>22 Q. What do you mean by "that</p> <p>23 standing out"?</p> <p>24 A. I don't remember thinking that</p> <p>25 this is something that we need to be</p>	<p style="text-align: right;">Page 113</p> <p>1 Graff - Confidential</p> <p>2 concerned about.</p> <p>3 Q. You did write here, though, that</p> <p>4 you have a concern about the reputation of</p> <p>5 ACN, right?</p> <p>6 A. Right, but I don't know what the</p> <p>7 basis of that was for. I don't recall.</p> <p>8 Q. So your best understanding</p> <p>9 sitting here today is that reading this</p> <p>10 email, it does appear you have a concern at</p> <p>11 the time but you can't remember now having</p> <p>12 such a concern?</p> <p>13 A. Correct. And I follow it up</p> <p>14 saying that I have had no reason to doubt</p> <p>15 based on my relationship with them.</p> <p>16 So --</p> <p>17 Q. Well, you write in the next</p> <p>18 sentence, "That being said, everyone I have</p> <p>19 worked with there has been extremely</p> <p>20 professional and easy to deal with," right?</p> <p>21 A. Correct.</p> <p>22 Q. You don't say that that mitigates</p> <p>23 any concern about the reputation of ACN, do</p> <p>24 you?</p> <p>25 A. Does it mitigate?</p>

<p style="text-align: right;">Page 114</p> <p>1 Graff - Confidential</p> <p>2 I think it basically says, I -- I</p> <p>3 don't really have any concerns that would</p> <p>4 cause a problem in the relationship.</p> <p>5 I don't really know how to</p> <p>6 address this. I don't recall it. So -- I</p> <p>7 don't know how to answer that.</p> <p>8 Q. You do refer here to having a</p> <p>9 concern with ACN, right?</p> <p>10 A. That's what it says in this</p> <p>11 statement, yes.</p> <p>12 Q. So you don't doubt in January of</p> <p>13 2008 you did, in fact, have a concern with</p> <p>14 ACN?</p> <p>15 A. I'm trying to recall what</p> <p>16 happened. I might have read a news</p> <p>17 clipping somewhere or I may have gotten an</p> <p>18 email from a stray person saying it. Maybe</p> <p>19 I based it on that.</p> <p>20 I don't really know what the</p> <p>21 basis of my concern was.</p> <p>22 Q. But you don't doubt you had one,</p> <p>23 right?</p> <p>24 A. I guess there must have been</p> <p>25 something that was -- I felt I needed to</p>	<p style="text-align: right;">Page 115</p> <p>1 Graff - Confidential</p> <p>2 reference, but I don't know what it was.</p> <p>3 Q. And you referred specifically</p> <p>4 here to a concern about the reputation of</p> <p>5 ACN, right?</p> <p>6 A. Um-hm.</p> <p>7 Q. Do you know what you meant by</p> <p>8 that, "the reputation of ACN"?</p> <p>9 A. I'm guessing. I don't like to</p> <p>10 guess, but it may have been a newspaper</p> <p>11 article that I read or maybe a stray email</p> <p>12 from somebody who said, I didn't have a</p> <p>13 good experience. Maybe it was based on</p> <p>14 that.</p> <p>15 Q. And when you reference such an</p> <p>16 email, someone saying, I didn't have a good</p> <p>17 experience, do you mean didn't have a good</p> <p>18 experience trying to pursue the ACN</p> <p>19 business opportunity and make money with</p> <p>20 ACN?</p> <p>21 A. You know, I can't -- I can't call</p> <p>22 out a specific thing, but I think I</p> <p>23 remember maybe there was a person who went</p> <p>24 to one of his speeches, I didn't enjoy it,</p> <p>25 I didn't get anything from it, or whatever.</p>
<p style="text-align: right;">Page 116</p> <p>1 Graff - Confidential</p> <p>2 You always have -- any time you</p> <p>3 are dealing with the general -- the public,</p> <p>4 there are always going to be -- I mean, out</p> <p>5 hotel division, our golf division, there</p> <p>6 are always people complaining about</p> <p>7 everything. So, you know, how serious does</p> <p>8 one take it?</p> <p>9 You know, I don't recall the</p> <p>10 specific instance.</p> <p>11 Q. You also refer to news reports</p> <p>12 somewhere in your mind.</p> <p>13 Do you remember what the nature</p> <p>14 of the news reports was about ACN?</p> <p>15 A. I don't. You know, I don't</p> <p>16 recall anything specific.</p> <p>17 Q. Do you ever remember hearing or</p> <p>18 reading anything about concerns or</p> <p>19 accusations that ACN was a pyramid scheme?</p> <p>20 A. I may have read one or two</p> <p>21 articles, and I think what I did with them</p> <p>22 is I would send them on to Anne Archer and</p> <p>23 say, What's this about? You know, it's</p> <p>24 news to me.</p> <p>25 Q. Can you place that in time in any</p>	<p style="text-align: right;">Page 117</p> <p>1 Graff - Confidential</p> <p>2 way? Do you remember when you may have</p> <p>3 read articles like that about ACN?</p> <p>4 A. No, I don't.</p> <p>5 This was a period of how long? I</p> <p>6 mean, I don't recall. I really don't</p> <p>7 recall.</p> <p>8 Q. And you said that your practice,</p> <p>9 if you read or heard such a thing, was to</p> <p>10 send it to Anne Archer and ask, What's</p> <p>11 going on?</p> <p>12 A. To the best of my recollection,</p> <p>13 that's what I would do.</p> <p>14 Q. Do you remember any other steps</p> <p>15 that you took in response to those kinds of</p> <p>16 articles or concerns?</p> <p>17 A. I can't particularly -- I can't</p> <p>18 recall a specific instance.</p> <p>19 Q. Do you remember, aside from the</p> <p>20 term "pyramid scheme," any other concerns,</p> <p>21 whether from news reports or otherwise,</p> <p>22 about consumer fraud or ACN being a scam or</p> <p>23 anything along those lines?</p> <p>24 A. Well, I never heard the term</p> <p>25 "pyramid scheme." You used that. I'm not</p>

<p style="text-align: right;">Page 118</p> <p>1 Graff - Confidential</p> <p>2 aware of that.</p> <p>3 Nothing in particular.</p> <p>4 Q. What about in general? What do</p> <p>5 you remember, if anything, seeing that was</p> <p>6 concerning about ACN? How would you</p> <p>7 describe it?</p> <p>8 A. Well, I think, as a multilevel</p> <p>9 marketing company, I think that, you know,</p> <p>10 there were people that just, in general,</p> <p>11 the whole industry were, you know, not too</p> <p>12 sure of what it was about. There were some</p> <p>13 questions about it. Not specifically ACN,</p> <p>14 but in general, what that business model</p> <p>15 was.</p> <p>16 Q. So you were then -- you were</p> <p>17 generally aware that network marketing or</p> <p>18 multilevel marketing companies, that there</p> <p>19 were concerns about those companies and</p> <p>20 specifically whether they were scams?</p> <p>21 A. Not early on. Only when I maybe</p> <p>22 read a scattered newspaper article about</p> <p>23 it.</p> <p>24 It was not something I focused</p> <p>25 on. My job was to work on whatever the</p>	<p style="text-align: right;">Page 119</p> <p>1 Graff - Confidential</p> <p>2 contract was, make sure it happened. I</p> <p>3 really didn't get into that nitty-gritty.</p> <p>4 It wasn't my role or my interest.</p> <p>5 Q. Are you aware of anyone at The</p> <p>6 Trump Organization who was responsible for</p> <p>7 investigating that issue or had</p> <p>8 responsibility for determining that, or is</p> <p>9 that something that you left to Ms. Butcher</p> <p>10 and raised questions with Ms. Butcher</p> <p>11 about?</p> <p>12 A. I don't think there is a specific</p> <p>13 person. We saw an email from Cathy Glosser</p> <p>14 earlier where she asked about their</p> <p>15 background and their history, and she asked</p> <p>16 for some documentation.</p> <p>17 So, again, I don't know how that</p> <p>18 proceeded, how it was handled. I'm</p> <p>19 assuming that she felt satisfied with</p> <p>20 whatever information she got to proceed.</p> <p>21 So I didn't feel it was my</p> <p>22 position to question it.</p> <p>23 Q. Aside from that email from</p> <p>24 Ms. Glosser and you sometimes sending</p> <p>25 questions on to Ms. Butcher, are you aware</p>
<p style="text-align: right;">Page 120</p> <p>1 Graff - Confidential</p> <p>2 of any process at any time at The Trump</p> <p>3 Organization to vet ACN or diligence these</p> <p>4 sorts of concerns?</p> <p>5 A. Not that I'm aware of.</p> <p>6 Q. At the time you sent this email</p> <p>7 in January -- on January 25 of 2008</p> <p>8 referring to these -- being concerned about</p> <p>9 ACN, Mr. Trump had already filmed several</p> <p>10 videos for ACN, right?</p> <p>11 A. I have to look at the agreements.</p> <p>12 I mean, that makes sense based on the</p> <p>13 agreements but --</p> <p>14 Q. Yeah, and this is a discussion</p> <p>15 about extending a relationship, right?</p> <p>16 So it wouldn't surprise you that</p> <p>17 Mr. Trump had by that point filmed several</p> <p>18 videos and appeared at several events?</p> <p>19 A. Yes, correct.</p> <p>20 Q. "Correct" meaning that would not</p> <p>21 surprise you?</p> <p>22 A. It would not surprise me.</p> <p>23 Q. Let's mark the next exhibit.</p> <p>24 (Exhibit 15, document, Bates</p> <p>25 stamped ACN009867, marked for</p>	<p style="text-align: right;">Page 121</p> <p>1 Graff - Confidential</p> <p>2 identification, as of this date.)</p> <p>3 Q. We have marked as Exhibit 15 --</p> <p>4 this is a document that was produced by</p> <p>5 ACN. It bears the Bates number ACN009867,</p> <p>6 and with the exception of the very top</p> <p>7 email, the FYI, which is internal to ACN,</p> <p>8 you can see this is an exchange between</p> <p>9 you, Ms. Butcher and a person named Allan</p> <p>10 VanBuhler at ACN, is that right?</p> <p>11 A. Correct.</p> <p>12 Q. Who was Mr. VanBuhler?</p> <p>13 A. He's a name that I rarely</p> <p>14 interacted with, and I'm really not sure of</p> <p>15 what his role was.</p> <p>16 Q. He was an employee at or</p> <p>17 executive at or a person associated with</p> <p>18 ACN?</p> <p>19 A. With ACN, right, but I'm not</p> <p>20 sure -- I see his title is global vice</p> <p>21 president of marketing. But someone I</p> <p>22 rarely interacted with.</p> <p>23 Q. And you can see that your -- this</p> <p>24 email exchange is taking place on</p> <p>25 January 24 and January 25 of 2008, right?</p>

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2 from September of 2010 from a reporter,

3 Stuart Watson, to you.

4 A. Okay.

5 Q. And the email reads (as read):

6 Mr. Trump will be in Charlotte this weekend

7 to give a speech to ACN sales reps. I'd

8 like to talk to him before that time to get

9 his reactions to allegations by the State

10 of Montana that ACN is a "pyramid

11 promotional scheme."

12 Do you see that?

13 A. Yes.

14 Q. Do you remember seeing this email

15 from this reporter?

16 A. I don't remember this particular

17 email.

18 Q. Now that you see it, does it

19 refresh your recollection?

20 A. Not particularly.

21 Q. Do you recall anything about the

22 state of Montana accusing ACN of being a

23 pyramid scheme?

24 A. No, I do not.

25 Q. Does this refresh your

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2 A. Yes. It's there in black and

3 white, yes.

4 Q. And then, you forwarded that

5 e-mail to Anne Archer Butcher and asked her

6 to call you, right?

7 A. Correct.

8 Q. Is that consistent with the

9 practice that you described when receiving

10 reports about concerns about ACN?

11 A. Yes. I believe I had mentioned

12 that just earlier, that if I had some kind

13 of negative inquiry, I would -- my first

14 reaction was to send it on to Anne and let

15 her address it.

16 Q. Got it.

17 Can you recall any process at any

18 time, either from you or by The Trump

19 Organization, to address those concerns

20 other than correspondence and communication

21 with Ms. Butcher?

22 A. No, I can't. No, I do not.

23 Q. I also want to go back to one

24 other piece of testimony from this morning.

25 You remember referring to the

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2 recollection more generally about hearing

3 at times reports that ACN was a pyramid

4 scheme?

5 A. Again, I have received over the

6 period of time, you know, some complaints.

7 I don't -- I don't recall them being

8 referred to as "pyramid schemes."

9 Q. Right. I think you said you have

10 some recollection of both reading news

11 reports and also receiving emails from

12 third parties.

13 A. Right.

14 Q. And that those had some concerns

15 in them or raised some concerns about ACN,

16 right?

17 A. Correct.

18 Q. You just don't specifically

19 recall the use of the term "pyramid

20 scheme"?

21 A. I think that's fair to say, yes.

22 Q. Looking at this email from 2010,

23 a reporter did inform you or state to you

24 that the State of Montana accused ACN of

25 being a pyramid scheme?

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2 Police Athletic League as a charity that

3 Mr. Trump had a relationship with or some

4 affinity for and that may have come up in

5 connection with ACN?

6 A. Correct.

7 Q. We will mark that Exhibit 18.

8 (Exhibit 18, document, Bates

9 stamped TTO_003695, marked for

10 identification, as of this date.)

11 Q. Exhibit 18 is an email produced

12 by defendants with the Bates number

13 TTO_003695.

14 Again, we are jumping around a

15 little bit in time, but this is an email

16 from May of 2012 from a Jami Landi, the

17 director of development at the Police

18 Athletic League, and it is addressed to

19 you, right?

20 A. Correct.

21 Q. And the subject line reads,

22 "Rhona, can you pass on to Mr. Trump,"

23 right?

24 A. I don't even -- I don't know what

25 an IBO is. Okay.

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2 didn't deal with Success directly. Best of

3 my recollection, it was usually Anne Archer

4 who generated a story about it. You know,

5 she would send it to us to review. We

6 would look through it, make sure that we

7 were comfortable with what the content was,

8 maybe edit a little bit, and then,

9 ultimately, she would be given the okay to

10 proceed.

11 Q. Who at the organization typically

12 led that work, to review and potentially

13 edit those articles?

14 A. To the best of my recollection, I

15 did, to a degree. Meredith did, to a

16 degree. And we would often show it to one

17 of our attorneys to look through as well,

18 to the best of my recollection.

19 Q. Do you remember which specific

20 attorney you showed any of those to?

21 MR. ROBERT: I'm going to

22 instruct the witness, you can give the

23 name of the attorney but not the

24 discussion with the attorney.

25 A. Correct.

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2 Success Magazine article with a lawyer?

3 A. I don't have a specific memory.

4 I think that was my practice, to do that.

5 Q. You would have done that by

6 email, right?

7 A. I would have forwarded -- my

8 practice would have been to forward their

9 draft -- Anne Archer's draft of the

10 proposed article and asked them to look

11 through it and see if there were any red

12 flags there that we should be aware of.

13 Q. Okay.

14 So you don't have any specific

15 recollection of doing that but believe you

16 may have, and if you did, it would be in

17 the email records, right?

18 A. It should be. That was my

19 practice. So, hopefully, it's there.

20 Q. You can't remember the names of

21 any lawyers that were involved with that?

22 A. Again, if you threw out some

23 names. I mean, I just -- one of them

24 was -- name was Jonathan. I can't

25 remember -- there was a heavyset gentleman.

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2 There were multiple -- over the

3 course of the many agreements that we had

4 with ACN, there were several different

5 attorneys that I worked with.

6 Q. Specifically in reviewing Success

7 Magazine articles?

8 Do you have any specific

9 recollection of sharing a Success Magazine

10 article with an attorney?

11 A. Not just the articles, with the

12 contracts. Obviously, we had an in-house

13 attorney look at the contracts before they

14 were signed.

15 But I'm trying to remember the

16 names of the attorneys. If you threw out

17 some names, I could tell you yes, but I'm

18 trying to remember because none of them

19 were there when I left. They had been long

20 gone.

21 Q. I guess I'm trying to ask,

22 leaving aside the contracts for a moment

23 and focusing specifically on the Success

24 Magazine articles, do you have any specific

25 recollection of sharing a draft of a

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2 I can't recall off the top of my

3 head. I'd know the names if I saw them,

4 but I just can't recall.

5 Q. Okay.

6 So we talked for just a moment

7 here about Success Magazine. I want to go

8 back to The Success Foundation.

9 Do you recall that entity in any

10 way separate and apart from the magazine

11 or --

12 A. I just -- I may have known at the

13 time, but now, I can't recall what the

14 distinction was.

15 Obviously, it's an offshoot or

16 something do with the magazine. I don't

17 really know what the relationship is or

18 was.

19 Q. If you could try to find

20 Exhibit 10.

21 A. I have it right here on top.

22 Q. Perfect.

23 This is the one -- it's the

24 January 2009 endorsement agreement --

25 A. Correct.

1
2 UNITED STATES DISTRICT COURT
3 FOR THE SOUTHERN DISTRICT OF NEW YORK

4 -----X
5 CATHERINE MCKOY, MILLARD WILLIAMS,
6 MARKUS FRAZIER, and LYNN CHADWICK
7 individually and on behalf of all
8 others similarly situated,

Index No.
1:18-cv-09936-
LGS

Plaintiffs,

v.

9 THE TRUMP CORPORATION, DONALD J. TRUMP,
10 in his personal capacity, DONALD TRUMP
11 JR., ERIC TRUMP, and IVANKA TRUMP,

Defendants.

-----X

12 ** CONFIDENTIAL **

13 VIDEOTAPED DEPOSITION OF AMANDA MILLER

14 New York, New York

15 Monday, June 27, 2022

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17
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19
20
21
22
23 Reported by

24 JEFFREY BENZ, CRR, RMR

25 JOB NO. 212683

<p style="text-align: right;">Page 158</p> <p>1 Miller - Confidential</p> <p>2 date.)</p> <p>3 THE WITNESS: Thank you.</p> <p>4 MR. ROBERT: This is 14?</p> <p>5 MR. BARKAI: Yes, this is Exhibit 14.</p> <p>6 A. Okay.</p> <p>7 Q. All right. Ms. Kennedy, you've been</p> <p>8 handed a document that's been marked as</p> <p>9 Exhibit 14. It's Bates-stamped ACN 001078</p> <p>10 through 1079. This is a document that's been</p> <p>11 produced by ACN to both parties, both plaintiffs</p> <p>12 and defendants.</p> <p>13 Looking at the first email here, the</p> <p>14 email from Maryann Klustner on March 26, 2014,</p> <p>15 do you know who that is?</p> <p>16 A. I don't.</p> <p>17 Q. You didn't know her before she sent</p> <p>18 this email to you?</p> <p>19 A. I did not.</p> <p>20 Q. Do you know why she sent this email to</p> <p>21 you in particular?</p> <p>22 A. It could have gone through the press</p> <p>23 inbox at the Trump Organization and been</p> <p>24 forwarded to me. I'm not sure.</p> <p>25 Q. Were emails from the press inbox</p>	<p style="text-align: right;">Page 159</p> <p>1 Miller - Confidential</p> <p>2 generally forwarded to you?</p> <p>3 A. Yes.</p> <p>4 Q. Were you the only person to whom they</p> <p>5 were forwarded?</p> <p>6 A. I don't know.</p> <p>7 Q. But consistently emails from the press</p> <p>8 inbox would go to you?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recall this email?</p> <p>11 A. I don't.</p> <p>12 Q. Did you receive a lot of complaint</p> <p>13 emails like this in your position at the Trump</p> <p>14 Organization?</p> <p>15 A. I don't know.</p> <p>16 Q. Do you recall getting emails like this</p> <p>17 about ACN being a scam?</p> <p>18 A. I don't know.</p> <p>19 Q. Do you see that this email refers to</p> <p>20 ACN as a scam?</p> <p>21 A. I see that, yes.</p> <p>22 Q. Do you recall getting emails about ACN</p> <p>23 being a pyramid scheme?</p> <p>24 A. I do not recall.</p> <p>25 Q. You see that this email refers to ACN</p>
<p style="text-align: right;">Page 160</p> <p>1 Miller - Confidential</p> <p>2 as being a pyramid scheme?</p> <p>3 A. I see that, yes.</p> <p>4 Q. Does this strike you, looking at this</p> <p>5 email, like this was the first time that that</p> <p>6 had ever occurred or like it might have occurred</p> <p>7 at other times? Give me a sense of how often</p> <p>8 you think that might have been happening in</p> <p>9 2014.</p> <p>10 A. I truly do not know.</p> <p>11 Q. What, in your words, is a pyramid</p> <p>12 scheme?</p> <p>13 A. I don't know, actually.</p> <p>14 Q. Would it have concerned you at the</p> <p>15 time, in 2014, to receive an email like this</p> <p>16 stating that ACN was a scam or a pyramid scheme?</p> <p>17 A. Because I didn't -- don't -- today --</p> <p>18 at the time and today don't know much about</p> <p>19 ACN's business. It probably -- I wouldn't have</p> <p>20 really thought too much about it, honestly.</p> <p>21 Q. At the time -- sorry. Go ahead. Are</p> <p>22 you finished?</p> <p>23 A. No. I think often in business there</p> <p>24 could be individuals who are upset with the</p> <p>25 outcome of something, so, in business, I -- you</p>	<p style="text-align: right;">Page 161</p> <p>1 Miller - Confidential</p> <p>2 know, again, I don't know the details of this,</p> <p>3 and I wasn't familiar with ACN's business and so</p> <p>4 I don't know this individual, so I had no reason</p> <p>5 to believe either way anything about this.</p> <p>6 Q. At the time, though, in this time</p> <p>7 period, you had an understanding that there was</p> <p>8 some relationship between Donald Trump and ACN,</p> <p>9 right?</p> <p>10 A. That's correct.</p> <p>11 Q. So, would it not have concerned you to</p> <p>12 receive an email indicating that ACN was a scam</p> <p>13 or a pyramid scheme?</p> <p>14 A. Obviously, I -- I read email and</p> <p>15 forwarded it on to the person who I thought</p> <p>16 handled the ACN relationship. Again, because I</p> <p>17 did not know much about them as a business, it</p> <p>18 wouldn't have concerned me, because I don't -- I</p> <p>19 didn't really know anything about them, and it</p> <p>20 wouldn't be uncommon for people to file</p> <p>21 complaints or express complaints about</p> <p>22 something.</p> <p>23 So I -- again, because I don't know</p> <p>24 who Maryann was, I wasn't sure the validity of</p> <p>25 her claim, so I forwarded it along to the person</p>

<p style="text-align: right;">Page 162</p> <p>1 Miller - Confidential</p> <p>2 who worked on the ACN stuff.</p> <p>3 Q. And that was who?</p> <p>4 A. Rhona Graff.</p> <p>5 Q. Did you investigate whether it was</p> <p>6 true that ACN was a scam or a pyramid scheme?</p> <p>7 A. I did not.</p> <p>8 Q. To your understanding, what would be</p> <p>9 the standard response or policy from the Trump</p> <p>10 Organization when you would receive an email</p> <p>11 like this?</p> <p>12 A. I would forward it along to the person</p> <p>13 who worked on that particular business unit.</p> <p>14 Q. What would be an example of doing that</p> <p>15 in another context?</p> <p>16 A. If someone sent a note, and I'll use</p> <p>17 something positive. If somebody sent a note</p> <p>18 saying that they have a wonderful experience at</p> <p>19 Trump Doral and they really enjoyed their time</p> <p>20 there, I would -- and it just was an unsolicited</p> <p>21 email that was sent to me, I would forward that</p> <p>22 along to the hotel general manager and say, FYI,</p> <p>23 great job.</p> <p>24 So it would depend what they were --</p> <p>25 what the topic was.</p>	<p style="text-align: right;">Page 163</p> <p>1 Miller - Confidential</p> <p>2 Q. And in the case when it wasn't</p> <p>3 something positive like that but instead was</p> <p>4 something negative along these lines, do you</p> <p>5 have an understanding of whether the Trump</p> <p>6 Organization had any kind of policy to</p> <p>7 investigate those kinds of complaints?</p> <p>8 A. In my role, I would just raise it to</p> <p>9 the person who was most involved in that</p> <p>10 business unit.</p> <p>11 Q. And in this particular case, do you</p> <p>12 have an understanding of what the follow-up was</p> <p>13 from the email that you sent on to Ms. Graff?</p> <p>14 A. I don't know.</p> <p>15 Q. Now, Ms. Kennedy, after the Trump</p> <p>16 presidential campaign started in 2015, talk to</p> <p>17 me a little bit about how work on the campaign</p> <p>18 intersected with work at the Trump Organization</p> <p>19 from your perspective.</p> <p>20 A. Can you be more specific?</p> <p>21 Q. Sure. So, you were working on the</p> <p>22 campaign a little bit from the -- at least at</p> <p>23 the exploratory committee stage, right?</p> <p>24 A. Yes.</p> <p>25 Q. And you're working at the Trump</p>
<p style="text-align: right;">Page 164</p> <p>1 Miller - Confidential</p> <p>2 Organization as well, right?</p> <p>3 A. That's correct.</p> <p>4 Q. So, how did the presence of the</p> <p>5 campaign at the time inform your work on</p> <p>6 marketing and branding for the organization?</p> <p>7 A. They were separate, from my view,</p> <p>8 because my work in real estate was supporting</p> <p>9 our properties across the world, so I still had</p> <p>10 my duties as the day-to-day marketing person</p> <p>11 working on brochures, collateral pieces for</p> <p>12 those developments.</p> <p>13 And then anything I did separately for</p> <p>14 the campaign to provide support for them, really</p> <p>15 was generally separate, from -- from how I</p> <p>16 recall.</p> <p>17 Q. And then aside from your own</p> <p>18 day-to-day work, did the existence of the</p> <p>19 campaign change your approach to marketing and</p> <p>20 branding strategy?</p> <p>21 A. I'm not sure when -- when exactly the</p> <p>22 time period was, but when Mr. Trump turned over</p> <p>23 the company to his children, I believe at that</p> <p>24 period in time we had some changes to our</p> <p>25 marketing approach. We were no longer using</p>	<p style="text-align: right;">Page 165</p> <p>1 Miller - Confidential</p> <p>2 Mr. Trump's image to promote different real</p> <p>3 estate properties. But I believe that was a --</p> <p>4 I'm not sure when exactly that took place.</p> <p>5 Q. I believe you said when the Trump</p> <p>6 Organization received emails through the press</p> <p>7 email inbox, those emails would end up being</p> <p>8 forwarded to you, right?</p> <p>9 A. Yes.</p> <p>10 Q. And then more generally, when the</p> <p>11 Trump Organization received press inquiries,</p> <p>12 were those inquiries also directed at you?</p> <p>13 A. I'm sorry, can you repeat that?</p> <p>14 Q. Sure. When the Trump Organization</p> <p>15 received press inquiries, were those press</p> <p>16 inquiries directed at you?</p> <p>17 A. Directed at me personally?</p> <p>18 Q. Correct.</p> <p>19 A. Or were just forwarded to me?</p> <p>20 Q. Well, either way. So first, were they</p> <p>21 directed at you personally? So if a member of</p> <p>22 the press wanted to speak -- wanted to</p> <p>23 communicate with the organization, would they do</p> <p>24 so through you?</p> <p>25 A. Yes. If -- if a member of the press</p>

1
2 UNITED STATES DISTRICT COURT
3 FOR THE SOUTHERN DISTRICT OF NEW YORK

4 -----X
5 CATHERINE MCKOY, MILLARD WILLIAMS,
6 MARKUS FRAZIER, and LYNN CHADWICK
7 individually and on behalf of all
8 others similarly situated,

Index No.
1:18-cv-09936-LGS

Plaintiffs,

v.

9 THE TRUMP CORPORATION, DONALD J. TRUMP,
10 in his personal capacity, DONALD TRUMP
11 JR., ERIC TRUMP, and IVANKA TRUMP,

Defendants.

-----X

12 ** CONFIDENTIAL **

13 VIDEOTAPED DEPOSITION OF MEREDITH McIVER

14 New York, New York

15 Tuesday, July 12, 2022

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20
21
22
23 Reported by

24 JEFFREY BENZ, CRR, RMR

25 JOB NO. 213091

<p style="text-align: right;">Page 114</p> <p>1 McIver - Confidential</p> <p>2 working on a commercial -- I have a little bit</p> <p>3 of background in advertising.</p> <p>4 Someone else does the demographics,</p> <p>5 the target market, the product placement, the</p> <p>6 origin of ingredients. I mean, they can -- you</p> <p>7 could spend three months before you could write</p> <p>8 a paragraph if you're really getting into the</p> <p>9 research. And, that's done by a different</p> <p>10 department.</p> <p>11 By the time it gets to me, it's kind</p> <p>12 of a done deal. I never looked into is this</p> <p>13 a -- a valid -- is this product valid. Does</p> <p>14 Coca-Cola hurt people or, you know, do we have</p> <p>15 an offense issue here, that's really -- that's</p> <p>16 something else.</p> <p>17 So, I kind of viewed it that way, but</p> <p>18 it was a done deal by the time it got to me. It</p> <p>19 wasn't for me to go almost insubordinate in a</p> <p>20 way to go and fact check or double-check. And</p> <p>21 so that's kind of my position.</p> <p>22 Q. But to go back to something you were</p> <p>23 saying earlier about, you know, you recognize a</p> <p>24 line about comfort zone, for example.</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 115</p> <p>1 McIver - Confidential</p> <p>2 Q. Were there certain standard phrases or</p> <p>3 passages that you thought were appropriate to</p> <p>4 include in public-facing communications?</p> <p>5 A. Think big just keeps coming back</p> <p>6 because that was just so attached to him. And</p> <p>7 he used it a lot over the years, even in a later</p> <p>8 book that he did with someone. And that was</p> <p>9 sort of his logo in a way. Trump, think big.</p> <p>10 That's the one that keeps coming back.</p> <p>11 Is that what you're asking?</p> <p>12 Q. Yeah. I think I'm asking -- what</p> <p>13 would you do to ensure that a piece of writing</p> <p>14 that you were asked to review was not only in</p> <p>15 his voice, in terms of tempo or timbre but also</p> <p>16 included the sort of substantive message that he</p> <p>17 wanted to deliver?</p> <p>18 A. My involvement on that level, I felt</p> <p>19 that it wasn't really my position, my role. I</p> <p>20 didn't -- if something was way off, I guess I'd</p> <p>21 note it, but I don't remember.</p> <p>22 I kind of took it for granted by the</p> <p>23 time it reached me, that it had been vetted.</p> <p>24 Whereas I think a lawyer looking at it</p> <p>25 or someone might be more concerned with -- I</p>
<p style="text-align: right;">Page 116</p> <p>1 McIver - Confidential</p> <p>2 didn't want it to be, you know, hurtful to</p> <p>3 people or something, but like I said, I -- it</p> <p>4 wasn't my job to vet or to do the research on</p> <p>5 certain things.</p> <p>6 My work was primarily with book --</p> <p>7 book-related things or business things with</p> <p>8 Robert Kiyosaki, that kind of thing. And Robert</p> <p>9 already had -- you know, he was quite</p> <p>10 established, so it wasn't like I was going to go</p> <p>11 and -- and vet Robert Kiyosaki.</p> <p>12 He was, like, brought in and I was</p> <p>13 told we were going to do a book with him, that</p> <p>14 kind of thing. I don't know, does that answer</p> <p>15 it too?</p> <p>16 Q. Yeah. Let me -- let me try to -- it</p> <p>17 does help to answer it, but let me try to ask</p> <p>18 this a different way.</p> <p>19 So, you said earlier, roughly, that</p> <p>20 there were certain standard sound bites or</p> <p>21 phrases --</p> <p>22 A. Sound bites.</p> <p>23 Q. -- that Mr. Trump used?</p> <p>24 MR. ROBERT: Objection to form.</p> <p>25 But you can answer.</p>	<p style="text-align: right;">Page 117</p> <p>1 McIver - Confidential</p> <p>2 Q. Would you agree with that?</p> <p>3 MR. ROBERT: You can answer the</p> <p>4 question.</p> <p>5 A. Yes, there -- there were certain</p> <p>6 things that were, you know, connected to him, or</p> <p>7 people would say, Oh, that sounds like Donald</p> <p>8 Trump, that kind of thing.</p> <p>9 Q. And again looking at Exhibit 7, you</p> <p>10 said that the attachments to Exhibit 6 were</p> <p>11 close enough in message, in addition to tone.</p> <p>12 A. Uh-huh.</p> <p>13 Q. So, when you were reviewing this, and</p> <p>14 by "this," I mean the attachment to Exhibit 6,</p> <p>15 you thought that the substance here was</p> <p>16 generally consistent with Mr. Trump's standard</p> <p>17 message. Is that right?</p> <p>18 MR. ROBERT: Objection to form.</p> <p>19 You can answer.</p> <p>20 A. Seemed -- yeah.</p> <p>21 For example, even here, he says, Come</p> <p>22 to New York, we still have them here. So, you</p> <p>23 know, that kind of thing. That kind of slapdash</p> <p>24 attitude. That's -- maybe not slapdash, but he</p> <p>25 would say things like that.</p>

<p style="text-align: right;">Page 130</p> <p>1 McIver - Confidential</p> <p>2 Do you know what Success From Home</p> <p>3 Magazine is?</p> <p>4 A. No.</p> <p>5 Is it attached to Success Magazine?</p> <p>6 Q. I --</p> <p>7 A. Oh, I don't know. I'm sorry, I don't</p> <p>8 know. I don't know.</p> <p>9 MR. ROBERT: He's the one asking the</p> <p>10 questions.</p> <p>11 A. No, I don't recall this magazine.</p> <p>12 Q. Okay. What -- what -- do you</p> <p>13 recall -- do you know what the relationship</p> <p>14 between ACN and Success From Home Magazine is?</p> <p>15 A. No.</p> <p>16 If there is one, I don't know.</p> <p>17 Q. Okay. And -- and as we just read,</p> <p>18 Ms. Marcello wrote to Ms. Graff, Can you please</p> <p>19 have it approved.</p> <p>20 So it appears that The Trump</p> <p>21 Organization would approve these articles for</p> <p>22 Success Magazine. Is that right?</p> <p>23 A. It would seem that way, yeah.</p> <p>24 Q. And who The Trump Organization had</p> <p>25 authority to approve them?</p>	<p style="text-align: right;">Page 131</p> <p>1 McIver - Confidential</p> <p>2 A. I would say whoever -- well, I guess</p> <p>3 Rhona and me, possibly. I don't remember, say,</p> <p>4 reading this.</p> <p>5 And I don't know how ACN came in, if</p> <p>6 it came through licensing department or ACN -- I</p> <p>7 mean -- Cathy Glosser and licensing. I don't</p> <p>8 recall how it arrived.</p> <p>9 So a lot of times, things, if they</p> <p>10 came from another department, say the golf</p> <p>11 department or something came in, they would have</p> <p>12 first eyes on it. So I don't know who would</p> <p>13 read this first in our group, whether it would</p> <p>14 be licensing, Rhona, me, all of us.</p> <p>15 Q. But then eventually it would come to</p> <p>16 you?</p> <p>17 A. I would say most of the time it would</p> <p>18 come to me.</p> <p>19 Q. And just going back to Exhibit 10, if</p> <p>20 you look at the top email in the chain, this</p> <p>21 appears to be an email from Ms. Graff to you</p> <p>22 dated May 15, 2013.</p> <p>23 Do you recognize this email?</p> <p>24 A. I don't -- I just don't remember it.</p> <p>25 It was a long time ago.</p>
<p style="text-align: right;">Page 132</p> <p>1 McIver - Confidential</p> <p>2 Q. But there's no reason to think you</p> <p>3 didn't actually receive this email, right?</p> <p>4 A. No, I can't imagine -- I may have</p> <p>5 like, you know, glossed over it, depending on</p> <p>6 what I was doing.</p> <p>7 But -- yeah.</p> <p>8 Q. And Ms. Graff wrote, Mer, can read and</p> <p>9 edit if necessary. Let me know what you think</p> <p>10 of this.</p> <p>11 Did you review this article?</p> <p>12 A. I may have. I really can't recall if</p> <p>13 I did or not.</p> <p>14 Q. Generally, if Ms. Graff sent something</p> <p>15 to you and asked you to review it, would it be</p> <p>16 your normal practice to review it?</p> <p>17 A. Oh, yes, yeah.</p> <p>18 Q. What was the process for reviewing</p> <p>19 these types of pieces for accuracy?</p> <p>20 A. Oh.</p> <p>21 I have to say when it came to</p> <p>22 accuracy, or vetting, it wouldn't be me.</p> <p>23 Because I really did look at it more from a not</p> <p>24 necessarily cosmetic standpoint, but that it</p> <p>25 kind of sounded like him, that the tone was</p>	<p style="text-align: right;">Page 133</p> <p>1 McIver - Confidential</p> <p>2 right, but I didn't delve into what was being</p> <p>3 said necessarily.</p> <p>4 I -- I'm not going to check, I'm not</p> <p>5 going to fact check, because I didn't have the</p> <p>6 time. I didn't feel it was my -- my position.</p> <p>7 Q. Do you have an understanding of whose</p> <p>8 job it was to fact check things?</p> <p>9 A. No. I don't know. Legal, it seems to</p> <p>10 me, would have -- would review.</p> <p>11 Q. Do you know if legal reviewed this</p> <p>12 piece, for example?</p> <p>13 A. No. And I think most of the time it's</p> <p>14 like the deals were -- some things that are a</p> <p>15 little more heavy duty, heavyweight, would</p> <p>16 require that more.</p> <p>17 I just -- actually I never thought</p> <p>18 about it. I would just, like -- if it lands on</p> <p>19 my desk, I figure, you know, it's okay, it's</p> <p>20 good to go. Just look at it and make sure there</p> <p>21 aren't glaring mistakes or typos or the wrong</p> <p>22 words, that kind of thing.</p> <p>23 Like I said, it was a little cosmetic</p> <p>24 in that sense, from my standpoint, from what I</p> <p>25 was doing.</p>

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X
CATHERINE MCKOY, MILLARD WILLIAMS,
MARKUS FRAZIER, and LYNN CHADWICK
individually and on behalf of all
others similarly situated, Index No.
1:18-cv-09936

Plaintiffs (LGS)

v.

THE TRUMP CORPORATION, DONALD J. TRUMP,
in his personal capacity, DONALD TRUMP
JR., ERIC TRUMP, and IVANKA TRUMP,
Defendants.

-----X

** CONFIDENTIAL **

DEPOSITION OF CATHY HOFFMAN GLOSSER

September 14, 2022

Reported by:

MARY F. BOWMAN, RPR, CRR

JOB NO. 216654

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1 Glosser - Confidential

2 You can answer.

3 A. I mean, I don't know what you've

4 seen.

5 Q. I mean the ones we have looked at

6 together, where there were the USA Today

7 thing --

8 A. Yes, I don't recall seeing

9 anything else.

10 Q. All right. Let's look at one

11 more email from this period.

12 (Exhibit 5, document, Bates

13 stamped TTO_007351, marked for

14 identification, as of this date.)

15 Q. Okay. Ms. Glosser, Exhibit 5 is

16 another email produced to us in hard copy

17 from The Trump Organization's files. This

18 one bears the Bates TTO_007351.

19 This is kind of late January,

20 2006, an email exchange between you and

21 Anne Archer Butcher.

22 Do you see that?

23 A. Yes.

24 Q. Is this -- as best you can recall

25 or infer from the document, is this during

Page 56

1 Glosser - Confidential

2 Do you see that?

3 A. Yes.

4 Q. I guess a couple of questions.

5 So first, when you say, "I think

6 you had said that Norma was sent some

7 info," do you know whether you were

8 referring to the information that we have

9 seen in Ms. Foerderer's files, these USA

10 Today clippings and other blurbs and

11 information?

12 A. I have no idea what it's

13 referring to.

14 Q. Were you aware of any information

15 beyond that, as best you can recall?

16 A. No.

17 Q. It sounds like you're essentially

18 asking Ms. Butcher to resend to you

19 whatever she had previously sent to

20 Ms. Foerderer, is that how you read that?

21 A. Correct.

22 Q. Do you know whether she actually

23 did send you any information about this?

24 A. I have no idea.

25 Q. Is it fair to say then you don't

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1 Glosser - Confidential

2 that interim period where you were sort of

3 covering for Ms. Foerderer?

4 A. Yes.

5 Q. And you can see in the top email

6 on the page that's the last email in the

7 chain, you write to Ms. Butcher, "I met

8 with Donald today and we are prepared to

9 move forward." Right?

10 A. Yes.

11 Q. Do you recall the discussion or

12 the meeting with Mr. Trump that is

13 referenced there?

14 A. I do not.

15 Q. Okay.

16 In the second paragraph, you

17 write, "I believe we discussed your sending

18 me some information on ACN for our files.

19 I know you said that they are a

20 telecommunications company, but I would

21 really like some background information on

22 them. I think you had said that Norma was

23 sent some info. Would you please be kind

24 enough to forward information to my

25 attention. I appreciate it."

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1 Glosser - Confidential

2 recall ever receiving information beyond

3 what we have seen in the emails we have

4 looked at so far?

5 MR. ROBERT: Objection to form.

6 You can answer.

7 A. Yeah, I don't recall.

8 Q. Did you ever see -- we talked a

9 bit in the licensing context how you might

10 diligence a potential partner.

11 With respect to ACN, did you ever

12 see product manufacturing information,

13 company financials, those sorts of

14 documents or information?

15 A. I don't recall.

16 Q. Okay.

17 (Exhibit 6, document, Bates

18 stamped TTO_000616, marked for

19 identification, as of this date.)

20 Q. Okay. Exhibit 6 is a document

21 produced to us by The Trump Organization

22 with the Bates TTO_000616.

23 This is a memo from you to Allen

24 Weisselberg and some others, including a

25 copy of a signed endorsement agreement with